

#### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to amend the Prevention of Cruelty to Animals Act 1979:

(a) to increase the maximum penalties that may be imposed for offences under the regulations relating to animal trades and the confinement or use of laying fowl for commercial egg production, and

(b) to make it an offence to fail to comply with a notice issued by an inspector in relation to an animal.

#### Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

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#### Prevention of Cruelty to Animals Amendment Bill 2009

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#### Schedule 1 Amendment of Prevention of Cruelty to Animals Act 1979 No 200

Schedule 1 [1] revises the current provision of the Prevention of Cruelty to Animals Act 1979 (the Act) that enables an inspector to issue a notice to a person if the inspector is satisfied on reasonable grounds that the person is contravening a provision of the Act or the regulations. The current provision allows the inspector to specify in the notice the action that the inspector considers must be taken to avoid a further contravention. The notice can be used as evidence in proceedings against a person for a contravention of the Act or the regulations. Under the new provisions, a person will be required to take the action specified in the notice and it will be an offence for a person to fail, without reasonable excuse, to comply with such a notice. The maximum penalty will be 25 penalty units (currently, \$2,750). A person will not be able to be convicted for both the new offence and another offence against the Act or the regulations in respect of the same act or omission. The amendment removes the provision relating to the use of a notice as evidence in proceedings, as it is no longer required as a consequence of the creation of the new offence. The amendment also broadens the power of an inspector to issue a notice so that a notice may be issued in respect of any contravention of the Act or the regulations in relation to an animal and not only in relation to the care of an animal as is currently the case.

Schedule 1 [2] increases the maximum penalty that may be imposed for offences under the regulations in relation to animal trades and the confinement or use of laying fowl for commercial egg production from 25 penalty units to 200 penalty units for a corporation and 50 penalty units for an individual.

Schedule 1 [3] enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act.